

REMARKS

This is in full and timely response to the Office Action of June 11, 2003 (Paper No. 9). This paper disputes the rejection of the claims based on the applied art. Claims 1 to 10 are presently pending in the application, each of which are believed to be in condition for allowance. Reexamination and reconsideration in light of the following remarks are respectfully requested.

Claim Rejections - 35 U.S.C. § 103:

In the Action, claims 1-10 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. U.S. 2002/0171825 A1 to Krantz et al. ("Krantz"). The Krantz reference, however, does not qualify as prior art under 35 U.S.C. § 103(a).

The present invention, which has an actual U.S. filing date of August 28, 2001, claims foreign priority to Japanese Patent Application No. 2000-261395, filed on August 30, 2000. A Claim to Priority under 35 U.S.C. § 119 was appropriately filed for the present application on August 28, 2001, and was accompanied by a certified copy of the original foreign application. Consequently, the present application gains the priority date of its original foreign application, filed August 30, 2000. In accordance with 37 C.F.R. § 1.55(a), a certified English translation of this original foreign application has been requested from the Applicants, and will be submitted before the present application is granted in order to perfect this claim to priority.

The Krantz reference, in contrast, was filed on May 4, 2001 in the U.S. Patent and Trademark Office and was published on November 21, 2002. Accordingly, the effective prior art date of the Krantz reference is May 4, 2001. Therefore, because the present invention, which has a priority date of August 30, 2000,

effectively antedates the Krantz reference, which has an actual U.S. filing date of May 4, 2001, the rejection of the claims under 35 U.S.C. § 103(a) fails, and withdrawal thereof is respectfully requested.

Conclusion:

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

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